

REMARKS

Applicant's undersigned attorney thanks the Examiner for her comments. Applicant respectfully requests reconsideration of this patent application, particularly in view of the above Amendment and the following remarks. Currently, Claims 1-50 are pending, with Claims 29-37, 39-42, 44-48, and 50 withdrawn from consideration.

The present invention is directed to an elastic laminate for a garment having one or more garment openings for the wearer's waist, legs, arms, and the like. The elastic laminate may then be combined with additional material, such as facing sheets, to make a single composite material having a targeted elastic zone which may be aligned with the garment opening or openings. The laminate may have different elastic properties at different regions, and exhibits greater elastic tension and/or greater elongation in a region aligned with, and in the vicinity of, at least one garment opening. The elastic laminate provides better adhesion to its surrounding fabric, a more cloth-like look, eliminates elastic strand slippage caused by usage of thicker elastic fibers, provides processing advantages such as eliminating custom extrusion dies, provides better post processing appearance, such as when cutting to form smaller strips of elastic material, and will give stretch and better stress relaxation performance as a result of the lamination. Furthermore, a garment can be produced from the laminate without the use of a separately manufactured, separately attached elastic band, and is easier and less expensive to manufacture than a conventional garment having one or more elastic bands at the opening.

Amendment to the Claims

Applicant has canceled Claims 29-50 and has amended Claims 1, 15-20, 24, and 28. Claims 1 and 28 have been amended to include the limitation of the elastomeric film including at least one of the group consisting of multi-block elastomeric copolymers, polyurethanes, polyamides, and metallocene-catalyzed polyolefins. Support for this amendment is found on page 19, line 21 – page 20, line 10, of the specification. Claims 15-20 and 24 have been amended to clarify the limitations of these claims. No new matter has been added.

Election/Restriction

Applicant has canceled Claims 29-37, 39-42, 44-48, and 50 as being drawn to a non-elected invention.

Information Disclosure Statement

The Examiner asserts that the Information Disclosure Statement filed 05 June 2001 was missing references and some foreign documents contained no translation. Applicant has enclosed a Supplemental Information Disclosure Statement including the references not considered by the Examiner for the above reasons.

Claim Rejections - 35 USC §112

The rejection of Claims 15, 16, 18, and 24 under 35 USC §112, second paragraph, as being indefinite is respectfully traversed.

Applicant has amended Claims 15, 16, 18, and 24, as mentioned above. Amended Claims 15, 16, and 18 claim the structure of the garment as described in the specification at page 18, line 19, through page 19, line 5 and page 19, lines 13-18.

For at least the reasons given above, Applicant respectfully submits that Claims 15, 16, 18, and 24 are not indefinite. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

Claim Rejections - 35 USC §102

A. Melbye et al.

The rejection of Claims 1-3, 7-19, 21-25, and 28 under 35 USC §102(b) as being anticipated by Melbye et al. (U.S. Patent 5,681,302) is respectfully traversed.

Melbye et al. discloses an elastic sheet-like composite including a sheet of flexible material bonded to elongate strands. The sheets of flexible material are extendable with the elongate strands when the elongate strands are stretched either because (1) the sheets have arcuate portions projecting from the elastic strands between portions of the sheets that are bonded to the strands; or (2) the sheets are of stretchable material; or (3) the sheets are of a material that is compacted in the direction in which the strands extend so that the sheet can be extended in that

direction; or (4) the sheets have a combination of such structures (Column 1, lines 31-43). The flexible material can be (1) of polymeric film (e.g., polypropylene, polyethylene or polyester), (2) of conventionally woven flexible fibers or material, (3) of non-woven flexible fibers or material, (4) of multi layer non-woven materials, (5) of nonwoven fibers that are bonded internally of the sheet, or (6) microcreped fibers or materials (Column 4, lines 20-46).

For a reference to anticipate a claim, the reference must disclose each and every element or limitation of the claim. Melbye et al. does not disclose each and every element or limitation of amended Claims 1 and 28. Applicant's invention as claimed in amended independent Claims 1 and 28 requires that the elastomeric film include a multi-block elastomeric copolymer, a polyurethane, a polyamide, and/or a metallocene-catalyzed polyolefin. Melbye et al. does not disclose any of these types of materials but instead discloses a non-elastomeric flexible material to which elastomeric strands are bonded in order to provide elasticity to the flexible material.

For at least the reasons presented above, Applicant respectfully submits that amended Claims 1 and 28 are not anticipated by Melbye et al. Because Claims 2, 3, 7-19, and 21-25 depend from amended Claim 1, these claims are also not anticipated by Melbye et al. Thus, Applicant respectfully requests withdrawal of this rejection.

B. St. Louis et al.

The rejection of Claims 1, 3, 8-19, and 21-28 under 35 USC §102(b) as being anticipated by St. Louis et al. (U.S. Patent 5,993,433) is respectfully traversed.

As mentioned above, for a reference to anticipate a claim, the reference must disclose each and every element or limitation of the claim. St. Louis et al. does not disclose each and every element or limitation of amended Claims 1 and 28. Applicant's invention as claimed in amended independent Claims 1 and 28 requires an elastomeric film within a laminate to include a multi-block elastomeric copolymer, a polyurethane, a polyamide, and/or a metallocene-catalyzed polyolefin. St. Louis et al. fails to disclose an elastomeric laminate including a film layer that includes a multi-block elastomeric copolymer, a polyurethane, a polyamide, and/or a metallocene-catalyzed polyolefin.

For at least the reasons presented above, Applicant respectfully submits that amended Claims 1 and 28 are not anticipated by St. Louis et al. Because Claims 3, 8-19, and 21-27 depend from amended Claim 1, these claims are also not anticipated by St. Louis et al. Thus, Applicant respectfully requests withdrawal of this rejection.

Claim Rejections - 35 USC §102/103

The rejection of Claims 38, 43, and 49 under 35 USC §102(b) as being anticipated by, or in the alternative, under 35 USC §103(a) as being unpatentable over Melbye et al. (U.S. Patent 5,681,302) or St. Louis et al. (U.S. Patent 5,993,433) is respectfully traversed. Claims 38, 43, and 49 have been canceled, thereby rendering this rejection moot.

Claim Rejections - 35 USC §103

The rejection of Claims 4-6 and 20 under 35 USC §103(a) as being unpatentable over Melbye et al. (U.S. Patent 5,681,302) in view of Sauer (U.S. Patent No. 5,527,300) is respectfully traversed.

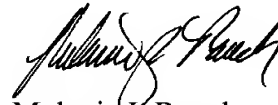
Claims 4-6 and 20 depend from amended Claim 1. Neither Melbye et al. nor Sauer discloses or suggests an elastomeric laminate in which an elastomeric film layer includes a multi-block elastomeric copolymer, a polyurethane, a polyamide, and/or a metallocene-catalyzed polyolefin.

For at least the reasons given above, Applicant respectfully submits that the teachings of Melbye et al. in view of Sauer fail to disclose or suggest Applicant's claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes that this case is now in condition for allowance. If the Examiner feels that any issues remain, then Applicant's undersigned attorney would like to discuss the case with the Examiner. The undersigned can be reached at (847) 490-1400.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Melanie I. Rauch', written in a cursive style.

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Claims 29-50 have been canceled.

1. (Amended) An elastomeric laminate, comprising:
 - a. an elastomeric film including at least one of the group consisting of multi-block elastomeric copolymers, polyurethanes, polyamides, and metallocene-catalyzed polyolefins, the film having a first major surface and a second major surface; and
 - b. a strand of an elastomeric material secured to the first major surface of the elastomeric film.

15. (Amended) The elastomeric laminate according to Claim 1, wherein:
at least two different portions of the elastomeric film exhibit [different] amounts of elastic tension that differ from one another.

16. (Amended) The elastomeric laminate according to Claim 15, further comprising a plurality of elastomeric strands on the first major [elastomeric film] surface of the film, wherein at least [some] two of the elastomeric strands exhibit [different] amounts of elastic tension that differ from one another.

17. (Amended) The elastomeric laminate according to Claim 1, [wherein:
there are] comprising multiple elastomeric strands on the elastomeric film surface.

18. (Amended) The elastomeric laminate according to Claim 17, wherein:
at least [some] two of the elastomeric strands exhibit [different] amounts of elastic tension that differ from one another.

19. (Amended) The elastomeric laminate according to Claim 17, wherein:

at least [some] two of the elastomeric strands have [different] thicknesses that differ from one another.

20. (Amended) The elastomeric laminate according to Claim 17, wherein:

at least [some] two of the elastomeric strands have [different] compositions that differ from one another.

24. (Amended) The elastomeric laminate according to Claim 23, wherein:

at least [some] two of the groups exhibit different amounts of elastic tension from each other.

28. (Amended) An elastomeric laminate, comprising:

a. an elastomeric film including at least one of the group consisting of multi-block elastomeric copolymers, polyurethanes, polyamides, and metallocene-catalyzed polyolefins, the film having a first major surface and a second major surface;

b. a plurality of strands of an elastomeric polymer material secured to the first major surface of the elastomeric film; and

c. a facing sheet bonded to at least one of the elastomeric film [or] and the elastomeric strands.